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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,331	03/19/2001	Mehmet Kemal Ozkan	RCA 89400	4673

24498 7590 10/19/2006  
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EXAMINER
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TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/622,331

Applicant(s)

OZKAN ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 08/07/2006 have been fully considered but they are not persuasive.

Claim 1, Applicant argues, "Nowhere does Eyer, or ATSC PSIP – singly or in combination – describe or suggest a tertiary table hierarchically linked to the secondary table."

In response, the Examiner respectfully disagrees with Applicant because ATSC PSIP clearly discloses a tertiary table hierarchically linked to the secondary table. The Examiner cites, "Besides listing the PIDs for all of the EITs, the Master Guide Table (MGT) also lists a set of PID for Extended Text tables (ETTs). These tables carry relatively long text messages for describing events and virtual channels. Each EIT has either zero or one associated ETT. Similarly, the VCT has either zero or one associated ETT. Fig. 5.2 illustrates the concept...." In view of that Applicant is wrong and ETTs are tertiary tables (see ATSC PSIP, pages 12-13 and page 30-35 for description of EITs and ETTs tables).

Claim 6, Applicant argues, "Indeed, the Examiner's further citation of the "version\_number" and "assigned PID" as partitioning information is also wrong. The "version\_number" simply identifies the current version of the table and does not identify partitions. Also, the "assigned PID" identifies the packets that convey the table - yet Applicants' claim 6 requires that the table include a partition identifier. In

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this case, the Examiner has to show that the "assigned PID" is conveyed as a part of the EIT. Yet, mere reference to the syntax of the EIT as shown on p. 32 of ATSC PSIP shows that the EIT does not include an "assigned PID".

In response, the Examiner respectfully confuses and disagrees with Applicant because Applicant again and again misconstrues ATSC PSIP reference because throughout the reference, ATSC PSIP clearly discloses that a second set of tables, i.e. EITs whose packet identifiers (PIDs) are defined in the MGT. A third set of table are the ETTs, and similarly, their packet identifiers (PIDs) are also defined in the MGT, see page 71, § D2. in view of that MGT (table) clearly includes PIDs that label the tables, see page 72, lines 1-page 73, "The master Guide Table (MGT) provides general information about all of the other tables that comprise the PSIP standard...; and it gives the packet identifiers (PIDs) that label the tables..." (Note: see Table D.1 on page 73 with an representation of a MGT with plurality of EIT coverage times, for example EIT\_0 has assigned PID = 123).

In view of that, Applicant is wrong, because the MGT clearly includes a partition identifier (PID), see Fig. 5.1, page 11-12 and Fig. D.1. page 72; In the Office Action of June 6, 2006, page 6, the Examiner shows different representation of individual partitions, i.e., EIT-i or Table D.2; D.3 of page 75 or Fig. 5D of page 80; in which one of ordinary skill in the art would recognized that those EIT-i is a representation of a corresponding "partition identifier" that corresponds to the table\_type\_PID (page 18) of the Table 6.2 "Bit Stream Syntax for the MGT" (page 16). It is noted that

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table\_type\_PID specified the PID for the table\_type (i.e., EIT, page 17). As such per request from Applicant (Applicant remark, page 9), the Examiner identifies table\_type\_PID (page 18) corresponds to Applicant limitation "partition identifiers" and the MGT assigns value of the table\_type\_PID to individual partition (i.e., EIT or table\_type) of the MGT.

Since Applicant does not clearly how "cell numbers" , as claimed in claim 13, is different from ATSC PSIP reference; therefore, similar interpretation apply equally to "cell numbers".

In conclusion, the examiner maintains the rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 6160545) in view of Program and System Information protocol for Terrestrial Broadcast and Cable (ATSC, Doc. A/65; December 23<sup>rd</sup>, 1997).

Claim 1, Eyer discloses an apparatus (Fig. 1 -3) for acquiring packetized program data from at least a first source, comprising:

a processor (not shown) for acquiring program guide information (IPG data) and for acquiring ancillary information conveyed in hierarchically ordered data tables in said packetized program data, said ancillary information including an initial master program guide with "block\_version" is used to indicate change in programming has occurred during the valid lifetime of the current master program guide (Col.13, lines 35-42+) and a processor (170) for determining change and change the program guide as needed.

Eyer does not clearly disclose ancillary information including

(a) a first version identifier conveyed in a primary data table and updated in response to a version change in at least one of a plurality of secondary tables hierarchically linked to said primary data table, and

(b) a second version identifier conveyed in a secondary data table and updated in response to at least one of a version change in said secondary table and version change in a tertiary table hierarchically linked to said secondary table.

Program and System Information Protocol for Terrestrial Broadcast and Cable now called "ATSC A/65", discloses PSIP data structure (see Fig. 5.1; page 11) with a collection of hierarchically arranged tables, i.e., STT, RTT, MGT (Master Guide Table) and VCT are carried in Transport Packets with Base PID. Several EIT-i are also part of the PSIP data structure with their PIDs explicitly defined in the MGT in which each EIT-i carries event information for 3hrs time slot, see Fig. 5.2, pages 12-13. "ATSC A/65" further discloses various fields' parameter definition, i.e., version\_number, table\_defined, etc... in the Bit stream syntax for Master Guide

Table (MGT; page 16; table 6.2 pages 16-17) and Bit stream syntax for EIT (page 32, table 6.12; pages 31-33). "ATSC A/65" further discloses that MGT further provides version, size and PID's of all other tables (except STT table) see page 15, § 6.2. "ATSC A/65" further discloses an example to describe the use of

(a) a first version identifier (version\_number) conveyed in a primary data table (MGT) and updated in response to a version change in at least one of a plurality of secondary tables (EIT-i) hierarchically linked to said primary data table (for example at  $T_1$ , table EIT-2 needs to be updated then the updated table EIT-2 must be transmitted with a version\_number equal to 3 because at time  $T_0$ , EIT-2 had a version\_number equal to 2. As such, the 1<sup>st</sup> version identifier (version\_number) of the MGT is also updated to be equal to 3 in response to a version change of the updated EIT-2 at time  $T_1$ , as indicated at page 17 and page 72-73).

(b) a second version identifier (version\_number) conveyed in a secondary data table (EIT-i) and updated in response to at least one of a version change (version\_number) in said secondary table (EIT-i) (reads on the decoder monitor the MGT detects a change in the version number of a table, i.e., EIT-2, it assumes that the table EIT-2 has changed and needs to be reloaded, see page 72-73), and a version change in a tertiary table hierarchically linked to said secondary table (since each EIT has either zero or one associated ETT, see Fig. 5.2, page 13, thus a version change of an associated ETT of an EIT would update the associated ETT, as described in page 12, lines 6-page 13, Fig. 5.2; see version\_number of page 34; page 72-page 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer with "ATSC A/65" so to take the advantage of the standard for coordinating and combining program guides from plurality of broadcasters (see "ATSC A/65", § D1-Introduction, page 70).

Claim 2, "ATSC A/65" further discloses wherein said primary data table (MGT) comprises a root database table for indicating version change in hierarchically ordered program guide data tables (see Fig. D.1, page 72 and Fig.D.2; page 74 and page 72-76).

Claim 3, "ATSC A/65" further discloses wherein said secondary data table (EIT-i) is used to indicate change in multimedia objects comprising objects associated with at least one of (a) broadcast channels, (b) broadcast programs, and (c) User interface controls (see Table D.2 and D.3 at page 75).

Claim 4, "ATSC A/65" further discloses, wherein said primary data table (MGT) is used to indicate change in at least one of (a) electronic program guide information tables and (b) MPEG compatible program specific information (see pages 82-84).



Claim 5, "ATSC A/65" further discloses, wherein said ancillary information is a two level hierarchical arrangement (see Fig. D.2, page 74) containing only primary table (master guide table) and secondary tables (EIT-i).

Claim 6, as discussed in claim 1, "ATSC A/65" further discloses acquiring program guide (MGT) comprising hierarchically ordered data table partitions (EIT-i) and including partitioning information, i.e., version\_number, assigned PID, coverage (UTC), coverage (EDT) (see page 31 –33 and Table D.1, page 73), the partitioning information including,

partition identifiers assigned to individual partitions of said program guide data, (ATSC PSIP clearly discloses that a second set of tables, i.e. EITs whose packet identifiers (PIDs) are defined in the MGT. A third set of table are the ETTs, and similarly, their packet identifiers (PIDs) are also defined in the MGT, see page 71, § D2. in view of that MGT (table) clearly includes PIDs that label the tables, see page 72, lines 1-page 73, "The master Guide Table (MGT) provides general information about all of the other tables that comprise the PSIP standard...; and it gives the packet identifiers (PIDs) that label the tables..." see Table D.1 on page 73 with an representation of a MGT with plurality of EIT coverage times, for example EIT\_0 has assigned PID = 123. It is noted that Table 6.2 "Bit Stream Syntax for the MGT" (page 16) discloses table\_type\_PID (page 18) specified the PID for the table\_type (i.e., EIT, page 17). As such, table\_type\_PID (page 18) corresponds to Applicant limitation "partition identifiers" because the MGT assigns value of the

table\_type\_PID to individual partition (i.e., EIT or table\_type) ), wherein the program guide data partitions are dynamically re-partitionable by assignment of the partition identifiers in the partitioning information; and for identifying the re-assigned partition identifiers and for acquiring additional program guide data in response to the identified re-assigned partition identifiers (reads on shifting the listed EIT-i by re-assignment of partition identifiers in the partition information, i.e., EIT-1 become EIT-0, EIT-2 become EIT-1, and of course version\_number of EIT-0 is updated by version\_number of EIT-1 and so on, see page 73)

Claim 7, "ATSC A/65" further discloses wherein said partition identifiers identify program guide data partitions (see page 30-33 and 79-80) based on at least one of, (a) an area, i.e., coverage (UTC) or ETM\_location, (b) a broadcast time (start\_time), complexity level, and (d) a partition type.

Claim 8, method claim is analyzed with respect to apparatus claims 1 and 6.

Claim 9, method claim is analyzed with respect to apparatus claim 2.

Claim 10, method claim is analyzed with respect to apparatus claim 3.

Claim 11, method claim is analyzed with respect to apparatus claim 4.

Claim 12, method claim is analyzed with respect to apparatus claim 5.

Claim 13, method claim is analyzed with respect to claim 6.

Claim 14, method claim is analyzed with respect to claims 3 and 10.

Claim 15, "ATSC A/65" further discloses wherein an object comprises at least one of a video segment, audio segment, text, an icon an HTML document, a menu selectable items, an image windows (see page 83).

Claim 16, method claim is analyzed with respect to claim 7.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht  
10/13/2006

  
HAI TRAN  
PRIMARY EXAMINER